

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 42

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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TOSHIYUKI ONO and CHIZUKO YASUNOBU

Appeal No. 2004-0718
Application No. 08/979,810

ON BRIEF

Before JERRY SMITH, BLANKENSHIP, and SAADAT, Administrative Patent Judges.

BLANKENSHIP, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 1-14 and 29-44, which are all the claims remaining in the application.

We reverse.

BACKGROUND

The invention relates to an electronic commerce support system and method.

Claim 1 is reproduced below.

1. An electronic commerce support method for managing trading in a client connected to a server for providing electronic commerce services to receive the electronic commerce services, comprising the steps of:

transmitting an order for a product on the electronic commerce in response to an input by a user to said server through a communication network;

receiving trading information including an e-mail address, a trading identifier associated with said order and data on the contents of said order from said communication network, and storing, when said e-mail address coincides with an address of said server to which said order was transmitted, said trading information in a storage device;

receiving from said communication network trading processing information including an e-mail address, a present status of processing for processing initiated for said order, a present status of processing for delivery of said product corresponding to said order, a present status of processing for payment processing for said trading, and the trading identifier; and

comparing said trading identifier and said e-mail address included in said trading information with said trading identifier included in said trading processing information, and outputting a warning if they are not coincident, and adding said trading processing information to said trading information stored in said storage device if they are coincident.

The examiner relies on the following references:

Wiecha	5,870,717	Feb. 9, 1999 (filed Nov. 13, 1995)
Talati et al. (Talati)	5,903,878	May 11, 1999 (filed Aug. 20, 1997)

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Claims 1-14 and 29-44 stand rejected under 35 U.S.C. § 103. As evidence of obviousness, the examiner offers Talati and Wiecha with respect to claim 36, and adds Official Notice with respect to claims 1-14, 29-35, and 37-44.

We refer to the Final Rejection (Paper No. 31) and the Examiner's Answer (Paper No. 38) for a statement of the examiner's position and to the Brief (Paper No. 37) and the Reply Brief (Paper No. 39) for appellants' position with respect to the claims which stand rejected.

OPINION

Appellants argue that Talati is directed to communications concerning transactions that are handled by an e-mail delivery system. According to appellants, the "delivery" described by Talati is not the delivery of a product corresponding to an order, but rather the delivery of e-mail as part of the communication between the originator 50 and transaction administrator 60 (Talati Fig. 3). (Brief at 7.)

The examiner responds by pointing to material in columns 1, 3, 5, and 8 of Talati (Answer at 4-7) and concludes that "Talati discloses using an e-mail to deliver orders, process transactions, exchange information, and provide status information that encompasses Appellants' inventive step of providing a client with present status of processing of trading as in the present invention."

Appellants respond, in turn (Reply Brief at 1-6), that the Answer does not distinguish between delivery of a product to a client by a merchant and delivery of

communications through e-mail. Appellants argue that the monitoring of delivery of products to a purchaser is not part of the system disclosed by Talati.

After careful review of the entirety of the reference, we are in substantial agreement with appellants' assessment. As noted in column 1 of the reference, Talati is directed to enabling validated electronic commerce transactions between an originator (e.g., client 10; Fig. 1), a recipient (e.g., merchant 20), and a third party transaction administrator (e.g., payment authority (PA) 30). As shown in Figures 2, 4, 6, and 10, Talati's teachings end with payment transactions (boxes 17, 125, 195, and 290, respectively), provided that the transaction is authorized by the third party. Figure 8 (box 230) shows providing an order to the client, or, presumably, a product corresponding to an order from the client. However, there is no disclosure of how information with respect to delivery of the product may relate to the electronic transaction systems; see column 6, line 61 through column 7, line 23 for the description of the embodiment.

Talati discloses (col. 1, ll. 56-67) that the delivery system between the client 10 and the merchant 20 can be a regular mail system, telephone system, computer network, or other delivery system such as "UPS" or "Federal Express," and further that the delivery system must have some "tracking capability." Talati discloses that all the steps can "also be executed within electronic commerce transactions," which is not necessarily inconsistent with delivery of a product. Some products, such as computer software, could be delivered through electronic means. However, the "delivery system"

is depicted in Figure 2 as ending with the merchant accepting payment from the client or notifying the client of rejection of authorization (boxes 17, 18). The acts associated with boxes 17 and 18 are also shown in Figure 1, representing an acceptance of payment or a notification of rejection. We therefore conclude that the "delivery system" described at column 1 of Talati merely relates to order placements and payments in a commercial transaction, rather than delivery of a product.

Instant claim 1 recites receiving from the communication network trading processing information including, inter alia, "a present status of processing for delivery of said product corresponding to said order...." Talati does not, in our reading, disclose or suggest such trading processing information. Nor does the reference teach integrating such information into any of the systems for providing validated electronic commerce transactions. Since the remainder of the independent claims recite similar limitations to those of claim 1, and since Wiecha and the Official Notice as applied fail to remedy the basic deficiency of the rejection, we do not sustain the rejection of any of the claims.

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CONCLUSION

The rejection of claims 1-14 and 29-44 under 35 U.S.C. § 103 is reversed.

REVERSED

Jerry Smith
JERRY SMITH

JERRY SMITH
Administrative Patent Judge

Howard B. Blankenship

HOWARD B. BLANKENSHIP
Administrative Patent Judge

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